

### **REMARKS**

Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview conducted on December 3, 2008. During the interview, Applicants' representative offered to cancel the claims corresponding to Groups III through VI, but suggested that restriction among Groups I and II would not be proper since the claims in these groups are linked so as to form a single general inventive concept. The Examiner agreed to consider this argument but requested that the argument be made in writing. The argument is set forth below.

### **RESPONSE TO RESTRICTION REQUIREMENT**

Applicants elect, with traverse, the invention of Group I (i.e., claims 23 and 25-34). Applicants have canceled herein claims 44-48 (i.e., the claims corresponding to Groups III through VI). Applicants respectfully submit that the subject matter recited in claims 23-43 form a single inventive concept and are not properly subject to restriction.

Independent claim 23 and dependent claims 25-34 relate to a method including steps of receiving a series of datagrams; determining which of the datagrams have been incorrectly received; generating a plurality of data units each having a status bit and a plurality of spacing bits; and assembling the data units together into an acknowledgement message. Independent claim 35 relates to an apparatus that is specifically designed for carrying out the method – i.e., a datagram checking unit configured to determine which of the datagrams have been incorrectly received and an acknowledgement message generator configured to generate acknowledgement messages, each message comprising a plurality of data units each having a status bit and a plurality of spacing bits. Independent apparatus claim 43 similarly relates to an apparatus that is specifically designed for carrying out the method.

Under 37 C.F.R. § 1.475(b), an application “will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: (4) a process and an apparatus or means specifically designed for carrying out the said process.” As can clearly be seen, the process recited in independent claim 25 and the apparatus recited in independent claims 35 and 43 meet this requirement. To help better illustrate the unity between independent claims 23 and 35, the table below contains the full text of these claims:

| INDEPENDENT CLAIM 23 (GROUP I)  | INDEPENDENT CLAIM 35 (GROUP II)   |
|---|---|
| 23. A method comprising:  | 35. An apparatus comprising:  |
| receiving a series of datagrams;  | a datagram checking unit  |
| determining which of said series of datagrams have been incorrectly received;   | configured to determine which of a plurality of datagrams received from a transmitter have been incorrectly received; and   |
| generating a plurality of data units,   | an acknowledgement message generator configured to generate acknowledgement messages, each acknowledgement message comprising a plurality of a data units,  |
| each data unit having a status bit indicative of the status of the data unit and a plurality of spacing bits together forming a binary representation of a number indicative of the spacing between one incorrectly received datagram and a succeeding incorrectly received datagram; and | each data unit comprising:<br>a status bit indicative of the status of the data unit; and<br>a plurality of spacing bits together forming a binary representation of a number indicative of the spacing between one incorrectly received datagram and a succeeding incorrectly received datagram. |
| assembling said plurality of data units together into an acknowledgement message.   | [acknowledgement message generator previously recited above]  |

Independent claim 43 similarly recites an apparatus that is designed to carry out the process of independent claim 23. Accordingly, the restriction as to Groups I and II is respectfully traversed and Applicants request that claims 23-43, which have already been previously examined, continue to be examined.

**AMENDMENTS TO THE CLAIMS**

As explained above, Applicants have canceled claims 44-48, corresponding to non-elected Groups III through VI. Additionally, minor clarifying amendments have been made to certain claims. Independent claims 23, 35, and 43 have been amended to clarify the scope of their preambles. Claims 26, 28, 36, and 42 have been amended to correct typographical errors. No new matter has been introduced.

Respectfully submitted,  
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